

Earl

1(b)

Assembly Bill No. 2860

CHAPTER 1453

An act to add Article 1.8 (commencing with Section 16369) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and to amend Sections 9101, 9102, 9103, 9200, 9201, 9204, 9330, 9333, 9413, and 14132 of, and to amend the heading of Chapter 4 (commencing with Section 9300) of Part 1 of Division 8.5 of, and to add Sections 9104, 9110, 9117, 9118, 9119, 9120, 9121, 9123, 9124, 9125, 9126, 9128, 9129, 9300, 9301, 9302, 9303, 9305, 9306.2, 9306.5, and 9330.1 to, and to add a new part heading immediately preceding Section 9000 of, and to add Part 2 (commencing with Section 9800) to Division 8.5 of, and to repeal Sections 9104, 9110, 9300, 9301, 9302, 9303, 9305, 9306.2, 9321, and 9329 of, and to repeal Chapter 4.2 (commencing with Section 9340) of Part 1 of Division 8.5 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

[Approved by Governor September 27, 1982. Filed with Secretary of State September 28, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2860, Torres. Aging and long-term care.

Existing law provides for the Department of Aging which administers various programs to provide services to elderly persons.

This bill would expand this department by creating the State Department of Aging and Long-Term Care, with the department to administer not only those programs currently administered by the department, but also health and social services programs which provide long-term care to and functionally impaired disabled individuals, as defined.

The bill contains provisions relating to the organization of the department, including provisions for appointment of personnel. The bill would provide that the department shall be divided into two divisions, a long-term care division, for administration of specified long-term care programs and an aging division for administration of all other programs within the department's jurisdiction.

The bill also specifies the general powers and duties of the department.

The bill provides that effective July 1, 1983, funds used for various segments of the current long-term care system for the elderly and functionally impaired, under specified programs, shall be appropriated to the Long-Term Care Consolidated Fund.

The bill empowers the department to allocate money from this fund to community long-term care agencies for provision of long-term care services.

The bill would require community long-term care agencies to

assure provision of assessments to specified individuals in order to determine whether they are in need of long-term care services, and would allow assessments for other persons to be made under other circumstances and under specified conditions.

The bill would require the department to designate and contract with the community long-term care agencies, after receiving recommendations from community long-term care task forces and would give the department direct authority to provide for long-term care services prior to that date.

The bill would provide that the community long-term care agencies shall administer the provision of long-term care services.

The bill also contains provisions detailing the scope of the long-term care services which shall be provided to elderly and functionally impaired disabled persons as defined. The bill sets forth specified needs which shall be met by long-term care services.

The bill contains requirements which the department and community long-term care agencies shall meet in carrying out their respective responsibilities for administering long-term care.

The bill would require establishment of community long-term care agency advisory groups.

The bill would provide that the Governor shall submit an action plan concerning the reorganization of the state structure provided for under the bill, as well as the consolidated fund.

The bill would further specify that except for specified provisions, its provisions would not become effective until specified actions, including statutory approval of the Governor's action plan, have been taken.

Existing law provides for the Multipurpose Senior Services program, under which pilot projects are funded in order to provide various types of services to elderly persons.

Under existing law this program would be terminated on June 30, 1983.

This bill would delete the provision terminating the program.

The bill would further require the Health and Welfare Agency to develop a waiver proposal for submission to the federal government for provision of home and community based services as part of the Multipurpose Senior Service project.

Existing law provides for the Medi-Cal program, which is governed and funded by both state and federal law, and which provides health care services to specified categories of low-income recipients.

Existing federal law would allow the state to receive federal funding for providing home and community based services under the Medi-Cal program subsequent to approval of a plan by the United States Department of Health and Human Services.

This bill would add to those benefits which are provided under the Medi-Cal program home and community based services, to the extent that a waiver from the federal government is received,

appropriate and subject to utilization controls, for beneficiaries who would otherwise require care for an extended period of time in an acute care hospital at a cost higher than in-home medical care services. The director shall have the authority under this section to contract with organizations qualified to provide in-home medical care services to such persons. Such services may be provided to patients placed in facilities such as skilled nursing or intermediate care facilities, or to persons in shared-or-congregate living arrangements, if a home setting is not medically appropriate or available to the beneficiary.

(u) Home and community based services, as set forth in Section 2176 of P.L. 97-35 shall be reimbursable as Medi-Cal covered benefits upon the approval of the federal Department of Health and Human Services. These home and community based services shall be included in the Medi-Cal scope of benefits as Medi-Cal covered and reimbursable services for the duration of the approved federal waiver and to the extent the State Department of Health Services can claim and be reimbursed by federal financial participation funds for these services.

SEC. 48. In accordance with Section 2176 of the federal Omnibus Budget Reconciliation Act of 1981, (P.L. 97-35), the Health and Welfare Agency shall develop a waiver proposal to be submitted to the United States Department of Health and Human Services in order to permit the provision of home and community based services pursuant to Chapter 5 (commencing with Section 9400) of Division 8.5 of the Welfare and Institutions Code.

The Multipurpose Senior Service project, which would have been repealed on June 30, 1983, except for the deletion of this date pursuant to Section 45 of this act, shall continue to serve clients determined to be eligible under Section 2176 of P.L. 97-35. These clients shall be certified or certifiable for placement in a skilled nursing facility. Individual Multipurpose Senior Service project sites shall be allowed to continue in modified form if the individual project site demonstrates cost-effectiveness. The transition from project to program status shall include cooperative efforts between the Health and Welfare Agency and the Department of Aging in concert with other affected departments.

SEC. 49. Except for the provisions of Sections 1, 4, 45, 47, and 48 of this act, the provisions of this act, shall not become operative until:

(a) The Governor submits the action plan and the fiscal proposal, as provided for in this act, to the Legislature:

(b) The Legislature approves these plans by statute.

(c) Funds are appropriated to implement these plans, in the State Budget for the 1984-85 fiscal year.

(d) The necessary waivers requested are approved by the federal government.

WELFARE AND INSTITUTIONS CODE § 9400

(d) At least one member who represents the interests of the disabled.
(7) The advisory council composition requirements shall be complied with as vacancies occur.
(Added by Stats.1980, c. 912, p. —, § 12.)

§ 9355. Advisory council as advocate for older persons
Nothing in this act shall be construed as limiting in any way the ability of each advisory council to serve as an advocate for all older persons.
(Added by Stats.1980, c. 912, p. —, § 12.)

CHAPTER 5. PILOT MULTIPURPOSE SENIOR SERVICES PROJECTS [NEW]

Article	Section
1. Legislative Intent and Definitions	9400
2. Administration	9410

Chapter 5 *was* added by Stats.1977, c. 1199, p. 3986, § 8.

Repeal

Chapter 5 is repealed under the provisions of § 9413 on June 30, 1983.

Former Chapter 5. Multipurpose Senior Centers, added by Stats.1976, c. 1350, p. 6160, § 3, *was* repealed by Stats.1977, c. 1199, p. 3986, § 7.
Former Chapter 5. Multipurpose Senior Centers, added by Stats.1976, c. 1350, p. 6160, § 3, consisted of Article 1. General Provisions and Definitions, comprising §§ 9400 to 9403; Article 2. Administration, comprising §§ 9425, 9426; Article 3. Qualifications, comprising §§ 9430 to 9434; and Article 4. Fiscal Provisions, comprising §§ 9475 to 9478.

ARTICLE 1. LEGISLATIVE INTENT AND DEFINITIONS

- Sec.
9400. Pilot projects; establishment; purpose.
9401 to 9403. Repealed.
9405. Agency.
9406. Older person.
9407. Multipurpose senior services.

Article 1 *was* added by Stats.1977, c. 1199, p. 3986, § 8.

✓ § 9400. Pilot projects; establishment; purpose

The purpose of this chapter is to establish pilot projects which would develop information about effective methods:

- (a) To prevent premature disengagement of older persons from their indigenous communities and subsequent commitment to institutions.
- (b) To provide optimum accessibility of various important community social and health resources available to assist active older persons maintain independent living.
- (c) To provide that the "at risk" moderately impaired or frail older person who has the capacity to remain in an independent living situation has access to the appropriate social and health services without which independent living would not be possible.
- (d) To provide the most efficient and effective use of public funds in the delivery of these social and health services.
- (e) To coordinate, integrate, and link these social and health services including county social services by removing obstacles which impede or limit improvements in delivery of these services.
- (f) To allow the state substantial flexibility in organizing or administering the delivery of social and health services to its senior citizens.

(Added by Stats.1977, c. 1199, p. 3986, § 8.)

Derivation: Former § 9400, added by Stats.1976, c. 1350, p. 6160, § 3. Library References: Social Security & Public Welfare Code.

§ 9401 WELFARE AND INSTITUTIONS CODE

§§ 9401 to 9403. Repealed by Stats.1977, c. 1199, p. 3986, § 7

The repealed sections, added by Stats. "older person" and "center". See, now, §§ 1976, c. 1350, p. 6160, § 3, defined "agency". 9405, 9406.

§ 9405. Agency

"Agency" means the Health and Welfare Agency.

(Added by Stats.1977, c. 1199, p. 3987, § 5.)

Derivation: Former § 9401, added by Stats.1976, c. 1350, p. 6160, § 3.

§ 9406. Older person

"Older person" means a person of age . . . 65 years or older.

(Added by Stats.1977, c. 1199, p. 3987, § 6. Amended by Stats.1980, c. 663, p. —, § 2, urgency, eff. July 20, 1980.)

1980 Amendment. Raised the age from 60 to 65 years. Derivation: Former § 9402, added by Stats.1976, c. 1350, p. 6160, § 3.

§ 9407. Multipurpose senior services

"Multipurpose senior services" means a coordinated, integrated system of delivery of the following social and health services designed for older persons: recreation services, educational services, senior center programs, information and referral services, transportation, income maintenance counseling, housing services, outreach services, volunteer programs, employment services, legal services, home repair services, escort services, telephone reassurance services, friendly visiting services, health screening services, psychological screening services, nutrition services, home health services, preventive health services, mental health services, homemaker chore services, portable meals, day care services, adult day health care services, non-medical respite care services, night services, intermediate care, skilled nursing care, acute hospital care, and hospice care.

(Added by Stats.1977, c. 1199, p. 3987, § 8. Amended by Stats.1978, c. 800, p. 2573, § 1, urgency, eff. Sept. 15, 1978.)

ARTICLE 2. ADMINISTRATION

Sec.

9410. Health and welfare agency; powers of head of department; waiver of regulations and policies; designation of department to implement chapter.

9411. Formulation of criteria for pilot projects; evaluation; inclusions.

9412. Duties of agency.

9413. Duration of chapter.

9425, 9426. Repealed.

9450 to 9454. Repealed.

9475 to 9478. Repealed.

Article 2 now added by Stats.1977, c. 1199, p. 3987, § 8.

§ 9410. Health and welfare agency; powers of head of department; waiver of regulations and policies; designation of department to implement chapter

The provisions of this chapter shall be administered by the Health and Welfare Agency. In addition to its other powers, the agency shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code.

To the extent permitted by federal law, each department within the agency, including departments designated as single state agencies for the programs described in Section 9407, shall waive regulations and general policies and make resources available which are necessary for the administration of this chapter, upon request of the agency.

Underline indicates changes or additions by amendment

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Assembly Bill No. 28

CHAPTER 10

An act to add Section 1656.2 to the Civil Code, to add Section 13337.5 to, to add and repeal Chapter 3 (commencing with Section 17281) of Part 4 of Division 4 of Title 2 of, and to add and repeal Part 5 (commencing with Section 17300) of Division 4 of Title 2 of, the Government Code, to amend Sections 6459, 6471, 6471.5, 6472, 6472.5, 6477, 6482, 6513, 6591, 6907, 6936, 19269, 25951, 25952, and 25954 of, to add Sections 100.6, 6051.5, 6051.6, 6051.7, 6051.8, 6201.5, 6201.6, 6201.7, 6201.8, and 25954.2 to, and to repeal Sections 25566 and 25951.5 of, the Revenue and Taxation Code, to amend Sections 803, 1111, 1113, 1129, 1184, and 13021 of the Unemployment Insurance Code, to amend Section 13004 of the Welfare and Institutions Code, to amend Section 4 of Chapter 322 of the Statutes of 1982, to amend Section 19.13 of Chapter 326 of the Statutes of 1982, and to amend Section 5 of Chapter 502 of the Statutes of 1982, relating to fiscal affairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 17, 1983. Filed with
Secretary of State February 17, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 28, Robinson. Fiscal affairs.

(1) This bill would state that the purpose of the bill is to enact legislation to reflect an agreement between the Legislature and the Governor to achieve specified objectives.

(2) Existing law requires the Governor to annually submit to the Legislature a budget for the ensuing fiscal year, containing itemized statements for recommended state expenditures and estimated state revenues.

This bill would provide that the annual Budget Act shall not provide for projected expenditures in excess of projected revenues. It would also state that it is the intention of the Legislature that in the event, after enactment of the Budget Act, revised estimates of expected revenues or expenditures, or both, show that expenditures will exceed estimated revenues, expenditures should be reduced or revenues increased, or both, to ensure that actual expenditures do not exceed actual revenues for that fiscal year.

These provisions would become operative on July 1, 1983.

(3) Existing law permits various methods of temporary borrowing by the state.

This bill would in addition allow, until June 30, 1985, temporary borrowing by the issuance of notes or other short-term instruments authorized by the Pooled Money Investment Board upon written request of the Governor. Any note issued would be a general

obligation of the state, and payments of principal and interest would be pledged from money in the General Fund. The notes would be legal investments and limited to 10% of General Fund revenues as set forth in the annual report of the Controller to the Governor, as specified.

This bill would also appropriate any unapplied money, as defined, which is necessary to repay any notes issued as well as the interest and the cost of issuing the notes.

The above provisions would remain in effect only until June 30, 1985, and on that date would be repealed.

This bill would also authorize the Controller, under specified circumstances, to draw demands against legislative appropriations from the General Fund which are required to be paid in the then current fiscal year, and to deliver them to the Treasurer. It would require the Treasurer to register the demands for nonpayment and to notify the Controller, who could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands.

This bill would limit the amount of notes issuable to 10% of General Fund revenues as set forth in the annual report of the Controller to the Governor, as specified, and would make the notes legal investments. An exception to the limitation could be provided if the Legislature passes a statute by a $\frac{2}{3}$ vote of each house.

This bill would appropriate any unapplied money, as defined, in any amounts necessary to pay the principal and interest of any State of California notes which have been issued. It would also appropriate, without regard to fiscal years, \$1,000,000 which would be required to be deposited in a special revolving fund to pay the costs associated with the issuance and sale of the notes.

The above provisions would remain in effect only until June 30, 1985, and on that date would be repealed.

The bill would also express legislative intention to satisfy the constitutional requirements for the issuance of these notes, as set forth in California Supreme Court cases on registered warrants.

(4) Existing law provides for the allocation of specified funds to local agencies.

To the extent funds are available for the 1982-83 fiscal year, this bill would reduce, pursuant to a specified formula, the amount which would otherwise be allocated to cities and counties and would require the Controller to withhold all payments of local assistance funds, as defined, to each city and each county until the amount withheld equals the reductions. The bill would transfer the funds so withheld to the unappropriated surplus of the General Fund.

(5) Under various existing state tax programs, the rate of interest paid on underpayments, overpayments, deficiencies, and other delinquent payments is an adjusted rate to be determined annually on the basis of the adjusted prime rate charged by banks during the month of September each year.

in the same manner that other assessments are collected.

SEC. 36. Section 13021 of the Unemployment Insurance Code is amended to read:

13021. (a) Every employer required to withhold any tax under Section 13020 shall for each calendar quarter, whether or not wages are paid in the quarter, file a withholding return in a form prescribed by the department, and pay over the taxes so required to be withheld. Except as provided in subdivisions (b) and (c) of this section, the employer shall file a withholding return and remit the total amount of income taxes withheld during the calendar quarter on or before the last day of the month following the close of the calendar quarter.

(b) The employer shall remit the total amount of income tax withheld during each first or second month of each calendar quarter, on or before the 16th day of the second calendar month or within three banking days of the 19th day of the third calendar month, respectively, if the income tax withheld for that month is more than three hundred fifty dollars (\$350).

(c) The employer shall remit the total amount of income tax withheld from the first through the 19th calendar day of the third month of each calendar quarter, within three banking days of the 19th day of the third month if the income tax withheld for that period is more than two hundred twenty-two dollars (\$222). Notwithstanding Section 1112, no interest or penalties shall be assessed against any employer who remits at least 95 percent of the amount required by this subdivision provided that the failure is not willful and any remaining amount due is paid with the next payment.

(d) The department may, if it believes such action is necessary, require any employer to make the return required by this section and pay to it the tax deducted and withheld at any time, or from time to time but no less frequently than provided for in subdivision (a).

(e) For the purpose of this section, payment is deemed complete when it is placed in a properly addressed envelope, bearing the correct postage, and it is deposited in the United States mail.

SEC. 37. Section 13004 of the Welfare and Institutions Code is amended to read:

13004. Counties, in expending the allocation for other county social services, shall provide (a) protective services for children and foster care services pursuant to Chapters 5 (commencing with Section 16500), 5.3 (commencing with Section 16525), and 5.5 (commencing with Section 16550) of Part 4, (b) protective services and foster care services for adults pursuant to Section 12251, (c) In-Home Supportive Services administration, (d) information referral services, and (e) transportation to and from health care facilities, or the location of other health care providers, when there is an urgent need for health care and transportation which is not otherwise available from other resources. These transportation services shall be maintained at least at the level provided by counties,

as part of health-related services as provided for in Section 12251, on September 30, 1981.

SEC. 38. Section 4 of Chapter 322 of the Statutes of 1982 is amended to read:

Sec. 4. There is hereby appropriated to the Secretary of the Business, Transportation and Housing Agency from the Transportation Planning and Development Account in the State Transportation Fund, the sum of one hundred seventy-three million dollars (\$173,000,000) for allocation in the 1982-83 and 1983-84 fiscal years pursuant to the following sections of the Public Utilities Code:

(a) Section 99313	
Fiscal year 1982-83	\$49,000,000
Fiscal year 1983-84	\$72,000,000
(b) Section 99314	
Fiscal year 1982-83	\$21,000,000
Fiscal year 1983-84	\$31,000,000

SEC. 39. Section 19.13 of Chapter 326 of the Statutes of 1982 is amended to read:

Sec. 19.13. Notwithstanding any other provisions of law, the Department of Finance shall authorize the Controller to make periodic transfers from the Transportation Planning and Development Account, State Transportation Fund, to the General Fund. The total amount of the transfers shall be \$36,216,000.

SEC. 40. Section 5 of Chapter 502 of the Statutes of 1982, as amended by Section 4 of Chapter 1610 of the Statutes of 1982, is amended to read:

Sec. 5. (a) On July 1, 1983, the Controller shall transfer six million dollars (\$6,000,000) from the General Fund to the Ridesharing and Alternative Transportation Fund established by Section 1 of this act in anticipation of increased revenues as a result of the provisions of Section 2 of this act.

(b) On May 1, 1984, and on every May 1 thereafter, through May 1, 1988, the Franchise Tax Board shall provide to the Controller an estimate of the net revenue gain to the General Fund resulting from the amendments to Section 17204 of the Revenue and Taxation Code made by Section 2 of this act. The estimate shall include, but is not limited to, all of the following:

(1) An estimate of the revenue gain or loss to the General Fund which would have resulted if Section 2 of this act had not been enacted.

(2) A separate estimate of the revenue gain or loss to the General Fund resulting from each of the following provisions of Section 17204 of the Revenue and Taxation Code contained in Section 2 of this act:

- (A) Subparagraph (B) of paragraph (4) of subdivision (a).
- (B) Subparagraph (C) of paragraph (4) of subdivision (a).
- (C) Subparagraph (E) of paragraph (4) of subdivision (a).

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WELFARE AND INSTITUTIONS CODE

WELFARE AND INSTITUTIONS CODE

§ 12300

The preceding computational steps shall be multiplied by the number of recipients under the payment schedules as set forth in Section 12200, no later than 15 working days following the date on which the director is notified by the secretary in writing of the amounts of the increases to federal benefits.

Subsequent to the first increase pursuant to this section, each additional increase in the Title XVI federal benefit levels added to the payment schedules of Section 12200, excepting subdivision (h), shall be based on the difference between the federal benefit levels immediately applicable prior to an increase thereto and the federal benefit levels immediately applicable thereafter.

The director shall notify the Secretary of the United States Department of Health, Education and Welfare of the amount of the increases to be added pursuant to this section to the payment schedules in Section 12200, no later than 15 working days following the date on which the director is notified by the secretary in writing of the amounts of the increases to federal benefits.

Under this chapter to insure that the minimum to maintain eligibility for funds under Title XIX of the Social Security Act or an increase for reasons other than cost of living and accompanied by an increase in federal benefits under Title II of the Social Security Act.

1980 Amendment. Deleted provisions relating to the effect of an increase in federal benefits under Part A of Title XVI of the Social Security Act by reason of § 1617

of the Social Security Act or an increase for reasons other than cost of living and accompanied by an increase in federal benefits under Title II of the Social Security Act.

Amended by Stats.1980, c. 1193, p. 4029, § 4; Stats.1981, c. 1216, p. 2908, § 37, amended by Stats.1976, c. 348, p. 970, § 4.

§§ 12205.1, 12205.2. Repealed by Stats.1980, c. 511, p. 1433, §§ 9, 10

Section 6.4 of Stats.1976, c. 348, p. 974, quoted in the Historical Note under this section in the main volume. was repealed by Stats.1980, c. 511, p. 1434, § 11.

Derivation: Former § 12201, added by Stats.1973, c. 1216, p. 2908, § 37, amended by Stats.1976, c. 348, p. 970, § 4.

ARTICLE 6. SERVICES

§ 12251. Social services

As used in this article, and Article 7 (commencing with Section 12300), the term "social services" includes in-home supportive services, information and referral services, protective services, and out-of-home care services as such services are defined by the department in order to secure maximum federal financial participation.

(Amended by Stats.1982, c. 978, p. —, § 31, urgency, eff. Sept. 13, 1982, operative July 1, 1982.)

ARTICLE 7. IN-HOME SUPPORTIVE SERVICES

Sec.

- 12301.2. Use of time for task guidelines [New].
- 12306. Payment of matching funds by state; reimbursement of counties.
- 12306.1. Application of section 12306; financial obligation of state.
- 12310. Pilot projects; methods for reducing program costs.
- 12311. Waivers; evaluation of pilot studies.
- 12312. Pilot projects; legislative reports.
- 12314. Pilot program [New].

§ 12300. Purpose; inclusions; remuneration of persons under a legal duty to provide services; respite care

The purpose of this article is to provide in every county in a manner consistent with the provisions of this chapter and the Annual Budget Act those supportive services identified in this section to aged, blind, or disabled persons, as defined under this chapter, who are unable to perform the services themselves and who cannot safely remain in their homes or abodes of their own choosing unless such services are provided.

Supportive services shall include, to the extent available funds allow, domestic services and services related to domestic services, heavy cleaning, nonmedical personal services, accompaniment by a provider when needed during necessary travel to health related appointments or to alternative resource sites and other essential transportation as determined by the director, yard hazard abatement, protective supervision, teaching and demonstration directed at reducing the need for other supportive services, and paramedical services which make it possible for the recipient to establish and maintain an independent living arrangement.

Asterisks * * * indicate deletions by amendment

changes or additions by amendment